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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,441	11/01/2000	Nobuyuki Kihara	450106-02418	8620

20999 7590 08/26/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/674,441	KIHARA ET AL.	
	Examiner	Art Unit	
	Kyung H Shin	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers filed 11/1/2000.
2. Claims **1- 4, 16** are pending. Claims **1, 16** are **independent** claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 4, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Matsumoto** (US Patent No. 6,425,522: IC card information processing system, and apparatus and cards for the same, filed on 3/30/2000)

Matsumoto's application list information is equivalent to applicant's move/copy history. (see Matsumoto col. 17, lines 44-53) Matsumoto's description of information displayed in the reference's application list information is equivalent to applicant's description of the information contained in the move/copy history retrieved from the memory card (reference's IC card). Matsumoto discloses that the application listing

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displays a current and updated listing of the information stored in the memory card.

Matsumoto discloses describing a move/copy history, which is generated by the usage of standard information processing concepts and programming standards.

Regarding Claim 1, Matsumoto discloses a data processing apparatus, comprising:

- a) large capacity memory means for storing a plurality of files; (see Matsumoto col. 11, lines 2-8, wherein applicant's specification describes, "...server having a large storage memory..." Technical Field, page 1)
- b) memory means for storing move/copy history when a particular file is moved/copied from said large capacity memory means to a non-volatile memory; (see Matsumoto col. 2, lines 48-56; col. 8, lines 24-26, wherein applicant's specification describes, "EEPROM... is non-volatile memory")
- c) reference means for referencing the history information stored in said memory means when the particular file is moved/copied from said large capacity memory means to the non-volatile memory; (see Matsumoto col. 17, lines 44-53; col. 8, lines 24-26)
- d) control means for prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means. (see Matsumoto col. 17, lines 58-60: history information stored in IC card not memory means (server))

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Regarding Claim 4, Matsumoto discloses the data processing apparatus as set forth in claim 1, wherein said memory means is composed of a flash memory. (see Matsumoto col. 2, lines 13-13; col. 8, lines 24-26)

Regarding Claim 16, Matsumoto discloses a data processing method, comprising the steps of:

- a) storing move/copy history when a particular file is moved/copied from a large capacity memory that stores a plurality of files to a non-volatile memory; (see Matsumoto col. 2, lines 48-56; col. 8, lines 24-26)
- b) referencing the history information stored in the memory when the particular file is moved/copied from the large capacity memory to the non-volatile memory; (see Matsumoto col. 17, lines 44-53; col. 8, lines 24-26)
- c) prohibiting the particular file from being moved/copied from the large capacity memory to the non-volatile memory when the history information is stored in the memory. (see Matsumoto col. 17, lines 58-60)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Matsumoto** (US Patent No. 6,425,522: IC card information processing system, and apparatus and cards for the same, filed on 3/30/2000) in view of **Naim** (US Patent No. 6,779,115: Portable device using a smart card to receive and decrypt digital data)

Matsumoto discloses move/copy history information, which is to be used in the selection and processing of data files (reference's application files). Matsumoto does not disclose a media content server utilizing compression and encryption techniques for the data. However, Naim discloses a media content server utilizing compression and encryption for the data.

Regarding Claim 2, Naim discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been compressed corresponding to a predetermined compressing method. (see Naim col. 5, lines 51-54)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matsumoto with the capabilities to process media content utilizing data compression as taught in Naim. One would have been motivated to substitute the capabilities in Naim in order to enable streaming files to be transmitted through even relatively slow connections.

Regarding Claim 3, Naim discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been encrypted

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corresponding to a predetermined encrypting method. (see Naim col. 10, lines 22-27)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matsumoto with the capabilities to process media content utilizing data encryption as taught in Naim. One would have been motivated to substitute the capabilities in Naim in order to extend and enhance the security capabilities of the file information processing system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 703-305-0711. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS

Kyung H Shin
Patent Examiner
Art Unit 2143

KHS
Aug. 19, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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